

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02685-RC**

AVILA et al v. U.S. DEPARTMENT OF STATE
Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 12/15/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

VICTOR AVILA

represented by **Paul J. Orfanedes**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: porfanedes@judicialwatch.org
ATTORNEY TO BE NOTICED

Lauren M. Burke
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: lburke@judicialwatch.org
ATTORNEY TO BE NOTICED

Plaintiff

JUDICIAL WATCH, INC.

represented by **Paul J. Orfanedes**
(See above for address)
ATTORNEY TO BE NOTICED

Lauren M. Burke
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF STATE

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2518
Email: john.moustakas@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2510
Fax: (202) 252-2599

Email: melanie.hendry2@usdoj.gov

TERMINATED: 08/07/2019

LEAD ATTORNEY

Date Filed	#	Docket Text
12/15/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF STATE (Filing fee \$ 400 receipt number 0090-5250137) filed by VICTOR AVILA, JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for U.S. Attny for D.C., # <u>3</u> Summons for U.S. Attny General, # <u>4</u> Summons for U.S. Dept. of State)(Burke, Lauren) (Entered: 12/15/2017)
12/15/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Burke, Lauren) (Entered: 12/15/2017)
12/15/2017	<u>3</u>	MOTION Relief from Local Civil Rule 11.1 re <u>1</u> Complaint, by VICTOR AVILA, JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Burke, Lauren) (Entered: 12/15/2017)
12/15/2017		Case Assigned to Judge Rudolph Contreras. (jd) (Entered: 12/19/2017)
12/19/2017	<u>4</u>	SUMMONS (2) Issued Electronically as to U.S. DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 12/19/2017)
12/28/2017		MINUTE ORDER granting <u>3</u> Plaintiff's Motion for Relief from Local Civil Rule 11.1: It is hereby ORDERED that Plaintiff shall be permitted to redact his residence address in the caption of his complaint filed on the public docket. SO ORDERED. Signed by Judge Rudolph Contreras on 12/28/2017. (lcrc3) (Entered: 12/28/2017)
01/08/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/26/2017. (Answer due for ALL FEDERAL DEFENDANTS by 1/25/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/26/17., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF STATE served on 12/26/2017 (Attachments: # <u>1</u> Exhibit 1 (U.S. Attny. for D.C.), # <u>2</u> Exhibit 2 (U.S. Attny. Gen.), # <u>3</u> Exhibit 3 (U.S. Dept. of State))(Burke, Lauren) (Entered: 01/08/2018)
01/22/2018	<u>6</u>	NOTICE of Appearance by Melanie Dyani Hendry on behalf of U.S. DEPARTMENT OF STATE (Hendry, Melanie) (Entered: 01/22/2018)
01/22/2018	<u>7</u>	Consent MOTION to Stay <i>Deadline to Respond to Complaint</i> by U.S. DEPARTMENT OF STATE (Hendry, Melanie) (Entered: 01/22/2018)
01/23/2018	<u>8</u>	NOTICE by U.S. DEPARTMENT OF STATE re <u>7</u> Consent MOTION to Stay <i>Deadline to Respond to Complaint</i> (Hendry, Melanie) (Entered: 01/23/2018)
01/23/2018		MINUTE ORDER denying as moot <u>7</u> Motion to Stay. SO ORDERED. Signed by Judge Rudolph Contreras on 1/23/2018. (lcrc3) (Entered: 01/23/2018)
01/24/2018	<u>9</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF STATE.(Hendry, Melanie) Modified to add link on 1/25/2018 (znmw). (Entered: 01/24/2018)
01/25/2018		MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a proposed briefing schedule on or before February 8, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 1/25/2018. (lcrc3) (Entered: 01/25/2018)
02/08/2018	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) (Entered: 02/08/2018)
02/12/2018		MINUTE ORDER: Upon consideration of <u>10</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report on or before March 8, 2018, updating the Court about the status of Defendant's search and to propose a schedule for the processing and release of responsive non-exempt documents to Plaintiffs. SO ORDERED. Signed by Judge Rudolph Contreras on 2/12/2018. (lcrc3) (Entered: 02/12/2018)

02/12/2018		Set/Reset Deadlines: Status Report due by 3/8/2018. (tj) (Entered: 02/12/2018)
03/08/2018	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) (Entered: 03/08/2018)
03/08/2018		MINUTE ORDER: Upon consideration of <u>11</u> the parties' Joint Status Report, it is hereby ORDERED that the parties file a joint status report on or before June 15, 2018, reporting the status of the processing and release of responsive non-exempt documents to Plaintiffs. Signed by Judge Rudolph Contreras on 3/8/2018. (lcrc3) (Entered: 03/08/2018)
03/09/2018		Set/Reset Deadlines: Status Report due by 6/15/2018 (tj) (Entered: 03/09/2018)
06/14/2018	<u>12</u>	ENTERED IN ERROR.....Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) Modified on 6/18/2018 (zjf). (Entered: 06/14/2018)
06/15/2018	<u>13</u>	Joint STATUS REPORT by VICTOR AVILA, JUDICIAL WATCH, INC.. (Burke, Lauren) (Entered: 06/15/2018)
06/15/2018		MINUTE ORDER: Upon consideration of <u>13</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report on or before July 16, 2018. The Court will schedule a status hearing, if necessary, upon review of that joint status report. SO ORDERED. Signed by Judge Rudolph Contreras on June 15, 2018. (lcrc3) (Entered: 06/15/2018)
06/18/2018		NOTICE OF CORRECTED DOCKET ENTRY: Document No re <u>12</u> Status Report was entered in error and refiled by counsel in the correct case.(jf) (Entered: 06/18/2018)
06/18/2018		Set/Reset Deadlines: Status Report due by 7/16/2018 (tj) (Entered: 06/18/2018)
07/16/2018	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) (Entered: 07/16/2018)
07/17/2018		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a status hearing on August 2, 2018 at 10:00 AM in Courtroom 14 before Judge Rudolph Contreras. SO ORDERED. Signed by Judge Rudolph Contreras on July 17, 2018. (lcrc3) (Entered: 07/17/2018)
07/17/2018		Set/Reset Hearings: Status Conference set for 8/2/2018 at 10:00 AM in Courtroom 14 before Judge Rudolph Contreras. (tj) (Entered: 07/17/2018)
08/01/2018		MINUTE ORDER: It is hereby ORDERED that on August 2, 2018, the parties shall arrive at the courthouse at 9:30 AM and have a face-to-face discussion concerning all outstanding issues. The Court will then conduct the 10:00 AM status hearing. SO ORDERED. Signed by Judge Rudolph Contreras on August 1, 2018. (lcrc3) (Entered: 08/01/2018)
08/02/2018		Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference held on 8/2/2018. Order forthcoming. (Court Reporter: Jeff Hook.) (hmc) (Entered: 08/02/2018)
08/02/2018		MINUTE ORDER: As discussed on the record at today's status hearing, it is hereby ORDERED that the parties shall file a joint status report on or before August 30, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on August 2, 2018. (lcrc3) (Entered: 08/02/2018)
08/03/2018		Set/Reset Deadlines: Joint Status Report due by 8/30/2018 (hs) (Entered: 08/03/2018)
08/30/2018	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) (Entered: 08/30/2018)
08/31/2018		MINUTE ORDER: Upon consideration of <u>15</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before September 28, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on August 31, 2018. (lcrc3) (Entered: 08/31/2018)
08/31/2018		Set/Reset Deadlines: Status Report due by 9/28/2018 (tj) (Entered: 08/31/2018)

09/28/2018	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) (Entered: 09/28/2018)
09/28/2018		MINUTE ORDER: Upon consideration of <u>16</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before October 31, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on September 28, 2018. (lcrc3) (Entered: 09/28/2018)
10/31/2018	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) (Entered: 10/31/2018)
10/31/2018		MINUTE ORDER: Upon consideration of <u>17</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before November 30, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on October 31, 2018. (lcrc3) (Entered: 10/31/2018)
11/30/2018	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) (Entered: 11/30/2018)
11/30/2018		MINUTE ORDER: Upon consideration of <u>18</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before January 7, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on November 30, 2018. (lcrc3) (Entered: 11/30/2018)
01/04/2019	<u>19</u>	Unopposed MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. DEPARTMENT OF STATE (Hendry, Melanie) (Entered: 01/04/2019)
01/23/2019		MINUTE ORDER granting <u>19</u> Defendant's Unopposed Motion to Stay. It is hereby ORDERED that this action is stayed until appropriations are restored to the Department of Justice. It is FURTHER ORDERED that the joint status report previously due on January 7, 2019 shall now be due within 7 days of Congress restoring appropriations. SO ORDERED. Signed by Judge Rudolph Contreras on January 23, 2019. (lcrc3) (Entered: 01/23/2019)
02/01/2019	<u>20</u>	NOTICE of Appearance by Paul J. Orfanedes on behalf of VICTOR AVILA, JUDICIAL WATCH, INC. (Orfanedes, Paul) (Entered: 02/01/2019)
02/01/2019	<u>21</u>	Joint STATUS REPORT by VICTOR AVILA, JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER: Upon consideration of <u>21</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before March 8, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on February 1, 2019. (lcrc3) (Entered: 02/01/2019)
02/06/2019		Set/Reset Deadlines: Status Report due by 3/8/2019 (tj) (Entered: 02/06/2019)
03/08/2019	<u>22</u>	Joint STATUS REPORT by VICTOR AVILA, JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 03/08/2019)
03/08/2019		MINUTE ORDER: Upon consideration of <u>22</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before April 8, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on March 8, 2019. (lcrc3) (Entered: 03/08/2019)
03/11/2019		Set/Reset Deadlines: Status Report due by 4/8/2019 (tj) (Entered: 03/11/2019)
04/08/2019	<u>23</u>	Joint STATUS REPORT by VICTOR AVILA, JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 04/08/2019)
04/08/2019		MINUTE ORDER: Upon consideration of <u>23</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before May 17, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on April 8, 2019. (lcrc3) (Entered: 04/08/2019)
04/08/2019		Set/Reset Deadlines: Status Report due by 5/17/2019. (tj) (Entered: 04/08/2019)
05/17/2019	<u>24</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Burke, Lauren) (Entered: 05/17/2019)

05/20/2019		MINUTE ORDER: Upon consideration of <u>24</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before June 25, 2019, to update the Court concerning the status of their efforts and to propose a briefing schedule for summary judgment motions, if necessary. SO ORDERED. Signed by Judge Rudolph Contreras on May 20, 2019. (lcrc3) (Entered: 05/20/2019)
05/21/2019		Set/Reset Deadlines: Status Report due by 6/25/2019. (tj) (Entered: 05/21/2019)
06/25/2019	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Hendry, Melanie) (Entered: 06/25/2019)
06/26/2019		MINUTE ORDER: Upon consideration of <u>25</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before September 10, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on June 26, 2019. (lcrc3) (Entered: 06/26/2019)
06/26/2019		Set/Reset Deadlines: Status Report due by 9/10/2019 (tj) (Entered: 06/26/2019)
08/07/2019	<u>26</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of U.S. DEPARTMENT OF STATE Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)
09/10/2019	<u>27</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Burke, Lauren) (Entered: 09/10/2019)
09/12/2019	<u>28</u>	<p>TRANSCRIPT OF STATUS CONFERENCE before Judge Rudolph Contreras held on August 2, 2018. Page Numbers: 1 – 13. Date of Issuance: September 12, 2019. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter r eferenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 10/3/2019. Redacted Transcript Deadline set for 10/13/2019. Release of Transcript Restriction set for 12/11/2019.(Hook, Jeff) (Entered: 09/12/2019)</p>
09/16/2019		MINUTE ORDER: Upon consideration of <u>27</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before October 10, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on September 16, 2019. (lcrc3) (Entered: 09/16/2019)